PROPOSED HOUSING GOALS, POLICIES AND PROGRAMS

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
Goal H-1	**Conserve and improve the existing housing supply to provide adequate, safe, and decent housing for all residents, with emphasis on maintaining the semi-rural character of the City.**	No changes	
Policy H-1.1	Housing Rehabilitation: Pursue available funding for the preservation, rehabilitation and weatherization of viable older housing to preserve neighborhood character and retain a supply of housing units for all income categories.	Minor changes	
	Program H-1.1.1: Rehabilitation/Preservation Program: Support the Contra Costa County Housing Authority (CCCHA), which provides low interest loans for the rehabilitation of homes owned or occupied by low- to moderate-income households. The City will continue to assist in citizen awareness of this rehabilitation loan program by a) making pamphlets on this program available at City Hall and at the public library; b) contacting neighborhood groups in older residential areas with this information; c) continuing building code enforcement through the County's Building Division; and d) continuing to provide updated information through the City's website, Vistas (the City newsletter) and other relevant media. Responsibility: Planning Division Financing: City and County funds Scheduling: Ongoing	Minor changes	
	Program H-1.1.2: Code Enforcement Program: Continue the code enforcement program to encourage the rehabilitation and/or elimination of physically obsolete and substandard housing. Responsibility: Planning Division Financing: City Scheduling: Annually as an ongoing program	Minor changes	
Policy H-1.2	Conversion of Residential Units: Discourage the conversion of older residential units to other uses.	No changes	
	Program H-1.2.1: Maintenance of Existing Residential Zoning: Retain existing residential zoning and revise the Zoning Ordinance to disallow commercial uses, other than residential businesses, in these zones. Continue to require architectural review of non-residential structures (e.g. schools, churches, fire houses, police stations, utility structures) in residential zones to ensure conformity with existing neighborhood character. Responsibility: Planning Division Financing: City Funds Schedule: Ongoing	No changes	

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
	Program H-1.2.2: Conversion of Housing Units Downtown: Develop an inventory of residential units that have been converted to non-residential uses without the required permits and in violation of the Zoning Ordinance in the C, C-1, SRB, and RB zoning districts. Work with property owners to convert and reclaim these units back to their original residential use. Responsibility: Planning Division, Code Enforcement Financing: City Scheduling: 2010 for the inventory, and annually as an ongoing program	Minor changes	The date for completing inventory is included as part of this Housing Element
Policy H-1.3	House Sharing: Support house-sharing programs for seniors.	Minor changes	Since the City does not implement this program, changes language to support rather than "encourage and facilitate."
	Program H-1.3.1: Shared Housing Programs for Seniors: Contact the Shared Housing Association in Contra Costa County to determine whether the Association would be interested in implementing such a program in Lafayette. Responsibility: Planning Division Financing: City to apply for available funding; Non-profit organization to implement the program. Scheduling: September 2003	Deleted	The City did not implement this action, given available resources. The City will, however, support efforts to provide this activity should a proposal be brought forth.
Policy H-1.4	Condominium Conversions: Continue to limit conversion of existing rental housing units to market rate condominiums. Conversion to limited equity cooperatives and other innovative housing proposals that are affordable to low and moderate-income households are permitted.	No changes	
	Program H-1.4.1: Condominium Conversions: Consider amendments to the existing condominium conversion regulations (Chapter 32 of Title 6 of the Municipal Code). Amendments that would be considered include exemption of limited equity residential cooperatives that provide long-term affordability for the units; requirement of relocation assistance by the proponent when units are converted; and requirement of first right of refusal by occupants and require an affordable housing set aside. Periodically review the provisions of the Condominium Conversion Ordinance to ensure that it adequately protects the existing rental housing stock. Conversions will require that 15% of the units be set aside for affordable housing. Responsibility: Planning Division Financing: City Scheduling: Review in 2010; amendments as required	Minor changes	Adds a specific date for the review. Requires the provision of affordable units.

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
Policy H-1.5	Energy Conservation, Sustainability and Climate Change: Promote available energy conservation programs, and develop new programs to address sustainability and climate change issues.	Minor changes	Adds policy statement on sustainability and climate change.
	Program H-1.5.1: Energy Conservation Program: Provide information on programs which provide assistance for energy conservation improvements for public distribution. Responsibility: Planning Division Financing: City Scheduling: Ongoing	Minor changes	
	Program H-1.5.2: Green Building Program: Develop a green building program for residential, industrial and commercial uses. Responsibility: Planning Division Financing: City Scheduling: 2011	New	
	Program H-1.5.3: Downtown Strategy: Complete the Downtown Strategy, which will include policies to encourage sustainable development, and projections for residential development. Responsibility: Planning Division Financing: City Scheduling: 2009	New	
Policy H-1.6	Expansion of homes in Existing Neighborhoods: Review the Zoning Ordinance to ensure that it adequately requires the remodel or expansion of homes to be in keeping with the character of the surrounding neighborhood.	No changes	
	Program H-1.6.1: Review existing zoning regulations that protect existing smaller units: Consider a "House Size Ordinance" to ensure that adequate protection exists to prevent the replacement of small affordable units with larger and more expensive units that are not in keeping with the character of the neighborhood. Responsibility: Planning Division Financing: City Scheduling: 2009	Revised	Takes previous language and updates it with specific program action currently underway.

ITEM		RELATION TO PRIOR ELEMENT	COMMENTS
Policy H-1.7	Capital Improvements. Ensure that existing neighborhoods' capital improvement needs are addressed. Program H-1.7.1: Capital Improvement Program: Provide for annual review by the Planning Commission and City Council of the City's Capital Improvement Program (CIP) to determine what special priorities are needed for capital improvement projects required to maintain the community's older residential neighborhoods. Review of the CIP shall also include verification that areas needing improvement are scheduled for funding to address these needs at a specific time in the future. Responsibility: Community Development Department Financing: City Scheduling: Annually as an ongoing program	Revised	Relocates this item as its own policy, rather than a subset of H-1.6.
Goal H-2	**Facilitate and encourage the development of diverse housing types and additional affordable housing units to accommodate a diversity of Lafayette citizens in terms of age and socio-economic background and to meet regional housing needs as quantified in this Chapter.**	No changes	
Policy H-2.1	Mixed Use: Encourage the rehabilitation and development of residential uses in commercial areas where the viability of the commercial activities would not be adversely affected.	No changes	
	Program H-2.1.1: Housing Rehabilitation in Non-Residential Areas: Continue to permit housing rehabilitation in commercial zoning districts. Responsibility: Planning Division Financing: City Scheduling: Ongoing	Revised	Includes information on housing rehab only. New development now addressed in program 2.1.2.
	Program H-2.1.2: New Mixed-Use Developments: Support projects that include a mix of both residential and commercial development in the Downtown, as appropriate. For projects fronting downtown streets, consider requiring that housing be located on upper floors, allowing for commercial uses on the ground floor. Responsibility: Planning Division Financing: City Scheduling: Ongoing	New	
Policy H-2.2	Limited Equity Cooperatives and Sweat Equity Projects: Support limited equity residential cooperatives and other nonprofit enterprises such as sweat-equity projects designed to provide affordable housing, consistent with the City's zoning regulations.	Minor changes	

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
	Program H-2.2.1: Limited Equity Cooperatives: Seek sponsors to utilize State funds to develop a limited equity cooperative (LEC). Specific City actions to achieve this objective include assessing the viability and process of establishing an LEC; making such information available at the Planning Division; seeking cooperation and support for this program with the Contra Costa County Housing Authority and non-profit housing organizations in the Bay area such as Bridge and Eden Housing; and identifying potential sites for a LEC. Responsibility: Planning Division and CCCHA Financing: City Scheduling: December 2004	Deleted	Given City resources and priority of other projects, this item is recommended to be deleted.
Policy H-2.3	Large Scale Commercial and Office Projects: Consider impacts on housing demand in the environmental review process of larger commercial and office projects.	No changes	
	Program H-2.3.1: Housing Impacts of Employment-Generating Uses: Identify housing impacts and appropriate mitigation measures for employment-generating commercial, office and industrial developments. Consider the development of a Commercial Development Linkage Fee, the collected funds of which would be used to finance the development of additional affordable housing. Responsibility: Planning Division Financing: City Scheduling: 2012	Revised	Incorporates new language addressing a specific action to be taken.
Policy H-2.4	Regional Housing Needs: Provide for additional housing by encouraging the construction of multifamily housing to meet the City's allocation of the regional housing need.	Minor changes	
	Program H-2.4.1: Multifamily Housing Development: Amend the Zoning Ordinance to allow the development of multifamily housing as of right in areas where such development requires a land use permit. Continue to require design review to ensure that developments are compatible with surrounding uses. Responsibility: Planning Division Financing: City Scheduling: 2010	Revised	Deletes detailed language on density and design guidelines and adds specific language addressing Housing Element Law requirement. Date for completion is required by the State.
Policy H-2.5	Second Dwelling Units: Continue to support the construction of second dwelling units, pursuant to the City's Second Unit Ordinance.	No changes	

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
	Program H-2.5.1: Second Dwelling Unit Construction: Periodically review the existing Second Unit Ordinance and the number of such units that have been built in the past three years to determine what modifications of this section of the Zoning Ordinance may be required to increase the number of these units constructed. Continue to fast track processing for units meeting established standards. Responsibility: Planning Division Financing: City and Housing Developers Scheduling: Ongoing	Revised	Initial review completed; now an ongoing program.
Policy H-2.6	Manufactured Housing: Allow placement of manufactured housing units on permanent foundations in existing developments.	No changes	
	Program H-2.6.1: Manufactured Housing: Review standards for placement of manufactured housing units on permanent foundations in existing developments, and amend the Zoning Ordinance accordingly. Require that these structures conform to the City's design review guidelines. Provide information and assistance to developers and private citizens interested in the use of manufactured housing components for residential expansion, conversion, or rehabilitation. Responsibility: Planning Division Financing: City Scheduling: 2012	Minor changes	This item was not completed during last planning period. The program has been revised to reflect new completion date.
Policy H-2.7	Infill Housing: Encourage private housing development on existing infill sites in order to efficiently utilize existing infrastructure.	No changes	
	Program H-2.7.1: Infill Sites: Develop and maintain an inventory of vacant and/or underdeveloped residential land, distinguishing between land within the City limits and land within the City's Sphere of Influence. Responsibility: Planning Division Financing: City Scheduling: 2010	Minor changes	
Policy H-2.8	Redevelopment Agency: Consider the use of the Redevelopment Agency to implement housing programs, particularly those related to very-low to moderate-income housing.	No changes	

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
	Program H-2.8.1: Housing Rehabilitation: Utilize redevelopment funds to assist in the rehabilitation and conservation of existing multiple family units, as well as the construction of new units. Work with owners to ensure some units remain at below market rents. Responsibility: Planning Division Financing: City Scheduling: Annually as an ongoing program	Minor changes	
Goal H-3	**Expand affordable housing opportunities for persons with special housing needs such as the elderly, developmentally disabled households with very low to moderate incomes, and first time home buyers.**	No changes	
Policy H-3.1	Available Funding Sources: Utilize County, State and federal programs and funding sources that provide housing opportunities for lower-income households.	No changes	
	Program H-3.1.2: Housing Fund: Create a Housing Fund with contributions of funds collected from private and public sources to implement and/or supplement the City's housing programs. Consider funding programs specifically designed to make housing available to moderate-income Lafayette residents. Use of the Housing Fund will be governed by guidelines as set out in the Municipal Code. There are several possible sources and uses of this fund. Loans, grants, developer fees and other funding sources could be used to reduce the cost of land acquisition and construction for affordable housing, and to prevent and reduce homelessness. Responsibility: Planning and Finance, City Manager Financing: City and other sources listed above Scheduling: 2011	Minor changes	Includes a new date of completion consistent with the development of a commercial linkage fee (H-2.3.1) and inclusionary zoning in-lieu fee (H-3.1.5).
	Program H-3.1.3: Tax-Exempt Financing: Require developers utilizing tax-exempt financing to include language in agreements with the City permitting persons and households eligible for HUD Section 8 rental assistance or Housing Voucher Folders to apply for below-market-rate units provided in the development. Responsibility: Planning Division Financing: City and housing developers utilizing tax-exempt revenue bonds. Scheduling: Ongoing	No changes	

ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
Program H-3.1.4: Available Funding: Support efforts to obtain available State and federal assistance to develop affordable housing for seniors, large households, households with children and those with special needs. Responsibility: Planning Division Financing: State and federal sources Scheduling: Ongoing	Revised	Deletes detailed language on the various funding sources and makes the program ongoing.
Program H-3.1.5: Housing Impact Fee: Consider the adoption of a housing impact fee to be imposed on all new development. Exempt from the Housing Impact Fee developments providing affordable housing. Funds collected shall be used to facilitate the development of affordable housing. Responsibility: City Council and Planning Division Financing: New Development Scheduling: June 2004	Deleted	This action has been incorporated into a new H-3.1.5, below.

ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
Program H-3.1.5: Establish an Inclusionary Housing Ordinance: Complete an Inclusionary Housing Ordinance to require developers of residential developments outside the Redevelopment Area to provide up to 10% of their units at rents or purchase prices affordable to very-low to moderate income households. This ordinance is in addition to the 15% inclusionary requirement already in place, by State law, in the Redevelopment Area. The ordinance will include the implementation of an in-lieu fee for certain housing developments. The funds collected will be used to facilitate the development of additional affordable housing units. The basic components will include the following:	Revised	Based on most recent City Council direction.

Development Size Threshold

Within the RDA	Outside the RDA
☐ > 7 units (required to produce on or offsite) 3-6 units (in-lieu fee allowed for partial unit)	☐ ≥ 10 units (required to produce on or offsite) 3-9 units (in-lieu fee allowed for partial unit)

Inclusionary Percentage Requirement

Within the RDA	Outside the RDA
☐ 15% (RDA law)	☐ 10%

Affordability Restrictions

Within the RDA	Outside the RDA
All Housing: ☐ 15% affordable to very low-, low- or moderate-income households, of which 40% (or 6% of the total units) must be affordable to VLI households (with RDA law)	**Multi-Family Rental**: ☐ low income, only. **Multi-Family For Sale**: ☐ Moderate, only. **Single-Family For Sale**: ☐ moderate income, only

Terms of Affordability

Within the RDA	Outside the RDA
☐ Consistent with RDA Law Multi-Family Rental: 55 years Multi-Family For Sale: 45 years	☐ 45 years for for-sale units. ☐ 55 years for rental units

In-Lieu Fees and Timing of Payment

In-lieu Fees have been calculated as follows (specific figure to be established in the ordinance):

Condos: $15 to $20 per square foot
Single Family Detached: $30 to $40 per square foot
Apartments: $10 to $15 per square foot.

For single family detached projects and for larger multifamily projects, the City will require customized in-lieu analyses at the City's discretion.

Within the RDA	Outside the RDA
☐ RDA Law: Multi-Family Rental: 55 years Multi-Family For Sale: 45 years	☐ 45 years for for-sale units. ☐ 55 years for rental units

Responsibility: Planning Division
Financing: Residential developers
Scheduling: 2010

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
Policy H-3.2	Senior Housing: Provide opportunities for senior housing.	No changes	
	Program H-3.2.1: Senior Housing Planned Development: Consider creating a Planned Unit Zoning District for senior housing. Include criteria that protect neighborhood character and assure good design, and which may include flexible parking and setback requirements, and density bonuses, where applicable. Responsibility: Planning Division Financing: City Scheduling: September 2003	Deleted	Replaced by new program H-3.2.1, below.
	Program H-3.2.1: Senior Housing Overlay: Consider creating a Senior Housing Overlay Zoning District to recognize the unique characteristics of senior projects and their limited impacts on traffic and parking. Include criteria such as flexible parking, setback and other requirements, while protecting neighborhood character and assure good design. Responsibility: Planning Division Financing: City Scheduling: 2010	New	
Policy H-3.3	Housing for the Disabled: Continue to facilitate housing for disabled persons.	No change	
	Program H-3.3.1: Accessible Units for the Physically Disabled: Revise the Zoning Ordinance to require at least 5 percent of new multi-family residential projects to be built for disabled persons consistent with federal and State laws and 20 percent of all ground floor units in apartments and condominiums to be handicapped accessible. Continue to make a good faith effort to facilitate the construction of the remaining eight special needs housing units, pursuant to the 1995 Redevelopment Settlement Agreement. Responsibility: Planning Division Financing: City Scheduling: December 2003	Deleted	This item is complete.
	Program H-3.3.2: Housing for Persons with Disabilities: Analyze and determine whether there are constraints on the development, maintenance and improvement of housing intended for persons with disabilities, consistent with Senate Bill 520 enacted on January 1, 2002. The analysis will include an evaluation of existing land use controls, permit and processing procedures and building codes. If any constraints are found in these areas, the City will initiate actions to address these constraints, including removing the constraints or providing reasonable accommodation for housing intended for persons with disabilities. Responsibility: Planning Division Financing: City/RDA Scheduling: Evaluation January 2003. If constraints are found, actions will be taken within six months.	Deleted	This item is complete.

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
Policy H-3.4	Density Bonus: Provide a density bonus to projects that provide a required percentage of total units affordable to very-low and low-income households and for units meeting the special housing needs identified in this Element.	No changes	
	Program H-3.4.1: Density Bonus: Consistent with State Density Bonus Law, support developments that provide affordable housing and/or senior housing utilizing density bonuses, when affordability is provided above and beyond what is already required in the redevelopment area. Provide concessions and waivers as required by law. Responsibility: Planning Division Financing: City Scheduling: Ongoing	Revised	Deletes language specifying percentages and types of developments that must comply; clarifies City policy that the State density bonus only applies when affordability is provided above and beyond the RDA requirements in the redevelopment area.
	Program H-3.4.2: Very-Low and Low Income Density Bonus: Amend the Zoning Ordinance to remove constraints to the construction of affordable housing. Amend the ordinance as follows: a) permit a density bonus for projects with more than 25 percent of the units affordable to very-low and low income households; b) the number of very-low and low income units would be specified in the Zoning Ordinance, taking into account such factors as: project size, the density bonus requested pursuant to this program, and reduction in city fees and/or other city requirements; and c) apply this program to commercial zoning districts. Responsibility: Planning Division Financing: City and developers Scheduling: December 2003	Deleted	Incorporated into H-3.4.1 above.
Policy H-3.5	Resale and Rental Controls on Below Market Rate Units: Require resale and rental controls on Below Market Rate (BMR) units.	Deleted	Included in inclusionary housing program H-3.1.5.
Policy H-3.6	Large Families: Recognize the need for providing multifamily housing for large families. Encourage developers of housing to include larger units (2+ bedrooms) in their proposed projects for families.	Revised	Specifically promotes development of units with two or more bedrooms.
	Program H-3.6.1: Consider requiring that developers include three-bedroom units in proposed multifamily developments. As part of this analysis determine what percentage of the total units should be three bedroom units, and what size of development should trigger this requirement. Responsibility: Planning Division Financing: City Scheduling: 2011	New	

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
Policy H-3.7	Emergency and Transitional Housing: Allow emergency shelters within the City as a permitted use in the C-1 (General Commercial) Zoning District.	Revised	Includes language specifying general zoning category where allowed but deletes reference to a map.
	Program H-3.7.1: Emergency Shelter: In conformance with the requirements of SB 2, revise the Zoning Ordinance to permit an emergency shelter as a permitted use in the General Commercial Zoning District 1 (Zoning Map symbol C-1), Require that the Uniform Housing Code (UHC) Space and Occupancy Standards be applied to shelters pursuant to Health and Safety Code §50807. Design Review approval shall also be required prior to issuance of a building permit. Any shelter shall be limited in size to 10 or fewer beds, consistent with the unmet needs shown in the bi-annual homeless count conducted by the County. In addition, any shelter developer must submit a management plan for the facility's operation. Responsibility: Planning Division Financing: City Scheduling: 2010 *This use would be allowed by right and without a use permit in the C-1 Zoning District. Design review would apply to issues such as lighting, fencing, and building design where new construction is involved. Flexible parking requirements would apply to such facilities, which would allow reduced parking requirements to be applied on the basis that many of the residents of such a facility would not have a vehicle.*	Revised	This program has been revised to comply with State law. Although the previous ordinance included a similar action, it was never implemented. Transitional housing has been deleted, since the Countywide efforts to provide homeless assistance now targets permanent supportive housing.
Policy H-3.8	Inter-Agency Cooperation: Work with private, County, and State agencies to provide emergency housing for the homeless.	No changes	
	Program H-3.8.1: Ongoing Estimates of the Demand for Emergency Housing: Consult with the Contra Costa County Task Force on Homelessness to maintain ongoing estimates of the demand for emergency housing in Lafayette. Responsibility: Planning Division Financing: City Scheduling: Ongoing every other year	Minor changes	Consistent with Countywide efforts, the City will use information provided by the bi-annual homeless counts conducted as part of the County's compliance with federal homeless programs.
	Program H-3.9.1: First Time Home Buyers: Include in the density bonus provisions of the Zoning Ordinance incentives for the provision of housing units affordable to first time home buyers who need or qualify for affordable housing. Responsibility: Planning Division Financing: City Scheduling: December 2003	Deleted	Included in inclusionary housing program H-3.1.5.

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
Goal H-4	**Promote housing opportunities for all persons regardless of race, age, gender, sexual orientation, marital status or national origin.**	No changes	
Policy H-4.1	Equal Housing Opportunity: Continue to facilitate non-discrimination in housing in Lafayette.	No changes	
	Program H-4.1.1: Equal Housing Opportunity: Promote equal housing opportunity by supporting the investigation and disposition of housing discrimination complaints. Work with service providers to ensure that information is disseminated to the community as needed. Responsibility: Planning Division Financing: City Scheduling: Ongoing	Revised	Deletes specific reference to the establishment of a City procedure, since this activity is the responsibility of outside service providers.
	Program H-4.1.2: Nondiscrimination Clauses: Provide nondiscrimination clauses in rental agreements and deed restrictions for housing constructed with City assistance. Responsibility: Planning Division Financing: City Scheduling: Ongoing	No changes	
Policy H-4.2	Landlord-Tenant Disputes: Continue to refer landlord-tenant disputes to housing counseling organizations such as the Housing Alliance.	No changes	
Goal H-5	**Adopt and implement a Housing Chapter that is in compliance with State Law.**	No changes	
Policy H-5.1	City Leadership: Provide active leadership in implementing the policies and programs contained in the Housing Chapter.	No changes	

ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
Program H-5.1.1: Establish an Inclusionary Housing Ordinance: Establish an Inclusionary Housing Ordinance to require developers of residential developments of ten (10) or more units in retail, commercial and multi-family housing zoning districts to provide up to 10 percent of their units at rents or purchase prices affordable to very-low to moderate income households. The definition of income category shall be in accordance with the income guidelines adopted by the United States Department of Housing and Urban Development (HUD). In addition, consider using the following performance criteria for inclusionary units: the exterior appearance of inclusionary units shall not be different than other units in the housing development of which they are a part; and inclusionary units shall be dispersed or distributed throughout the development rather than being concentrated in one portion of the development. Offer priority for occupancy of the inclusionary units to seniors and those who work in Lafayette. Responsibility: Planning Division Financing: Residential developers Scheduling: June 2003 *This program may be used in conjunction with the density bonus provisions contained in H-3.4.1 and H-3.4.2.*	Deleted	See inclusionary housing program H-3.1.5.
Program H-5.1.1: Fast-Track Processing: Provide fast track processing for projects with affordable housing. Fast track processing means giving projects with affordable housing units a priority over other non-public health and safety related projects in the processing and review by City staff. It does not mean eliminating any of the City's regular public notice and hearings or other project review procedures. Responsibility: Planning Division Financing: City Scheduling: Ongoing	Minor changes	Revised numbering.
Program H-5.1.2: CEQA Process: Follow CEQA procedures to expedite permit processing for all development, including a) encouraging preliminary project review by staff and b) considering the use of mitigated negative declarations, focused EIRs and other procedures where appropriate. Responsibility: Planning Division Financing: City Scheduling: Ongoing	Minor changes	Revised numbering.

	ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
	Program H-5.1.3: Review and Revise the Zoning Ordinance. Review the Zoning Ordinance and consider revisions to the following governmental constraints on the development of housing: a) Consider the strict regulation of the conversion of existing multiple family residential units in the C, C-1, SRB, and RB Zoning Districts. b) For developments seeking a reduction in the parking requirements, require developers to demonstrate reduced parking needs because of proximity to transit. c) Include definitions for the following. Ensure that zoning districts where these uses are allowed clearly identify such uses. ⌖ group homes ⌖ emergency shelters ⌖ residential care facilities ⌖ senior housing ⌖ foster care home ⌖ family care home d) Ensure that the definition of "family" is consistent with State and federal law. Responsibility: Planning Division Financing: City Scheduling: 2011	Revised	Deletes requirements that have been completed; adds revisions to Zoning Code including definitional changes consistent with State and/or federal law.
Policy H-5.2	Public Participation: Encourage and support public participation in the formulation and review of the City's housing and development policies.	No changes	
Policy H-5.3	Annual Review of Housing Chapter Implementation: Provide for annual review by the Planning Commission and City Council of progress in implementing the Housing Chapter.	No changes	
	Program H-5.3.1: Annual Report: Prepare an annual report to the City Council and Planning Commission that describes the amount and type of housing activity correlated with an updated summary of the City's housing needs. Responsibility: Planning Division Financing: City Scheduling: Annually (include with the annual review of the CIP by the Planning Commission)	No changes	

ITEM	RELATION TO PRIOR ELEMENT	COMMENTS
Program H-5.3.2: Demographic Information: Update demographic information as the complete results of the 2000 Census, and other data, become available. Responsibility: Planning Division Financing: City Scheduling: Ongoing	No changes	

City of Lafayette
Planning Commission Meeting
MINUTES

Thursday, January 22, 2009, 7:00 pm
Lafayette Community Center, 500 St. Mary's Road, Manzanita Room

CALL TO ORDER

Chair Lovitt called the meeting to order, stating all commissioners, but Commissioner Humann were present. He then welcomed Commissioner Karen Maggio back.

ROLL CALL
Present: Chair Lovitt, Commissioners Ateljevich, Chastain, Curtin-Tinley, Maggio & Mitchell
Absent: Commissioner Humann
Staff Present: Greg Wolff, Senior Planner, Glenda Warmoth, Assistant Planner, Niroop Srivatsa, Planning Services Manager, Diana Elrod, Housing Consultant

DRAFT HOUSING ELEMENTS: REVIEW OF KEY COMPONENTS

Chair Lovitt asked for a staff report.

Ms. Srivatsa stated there was a review of two key components of the draft housing element in front of the Commission. It is an informal study session, not a public hearing, and the element would be brought back in draft form in February. She said that today she wanted to share the draft goals and policies that are the framework for the housing element as well as a list of vacant and underutilized sites.

Ms. Srivatsa continued, stating that the draft goals and policies are similar to what is in the housing element today, with some exceptions. She said she will go through the exceptions and then spend a few minutes highlighting some of the sites. Identification of the sites is required by State law, but there is no requirement that the sites be designated for housing and housing only. Sites have to be zoned at appropriate densities to allow for the construction of affordable housing. Ms. Srivasta introduced Diana Elrod, the housing consultant, and turned it over to her.

Ms. Elrod said that only the draft goals, policy and programs were handed out, as well as the draft inventory. After feedback is obtained from the Commission they will go back and put together the entire element for review. According to the time line, the State has to receive the housing element as an administrative draft in March and then there is a 60-day review period. She is trying to have a completed element for their review in March. Then it will come back to the Commission in May or June for additional hearing and adoption.

Ms. Elrod referred all to Page 3 where there is an explanation of the changes to the proposed goals, policies and programs. There are three key policies that are new. First is removal of the land use permit requirement for multi-family housing, which responds to State law that requires jurisdictions to provide multi-family housing as of right and in appropriate zones, which is part of the adequate sites requirement.

Chair Lovitt asked if Ms. Elrod could speak on the impact of the first policy spoken of and whether there are other ways to meet the legal requirement.

Ms. Elrod said that if a use permit for multi-family housing is required, it is not a permitted use per State law and it goes across a line of a lot of discretion to determine whether multi-family housing is allowed. The purpose is to meet the requirement that jurisdictions provide enough land zoned appropriately for multi-family, and other housing, but in this case to ensure that there is enough viable land for multi-family housing.

Chair Lovitt said that he understood that this means that if they state that land is available for multi-family housing, it is absolutely available for that. So if someone makes the application for multifamily and the zoning includes that option, they may build that.

Ms. Elrod said that all that is being proposed is to eliminate the need for a special use permit.

Commissioner Ateljevich said her concern is if this has to be done along Mt. Diablo. She wants to ensure that ground floor uses fronting Mt. Diablo Blvd. are reserved for retail uses.

Ms. Srivatsa concurred and said they tried to mesh the goals of the draft strategy, which are still being prepared, and the housing element. Referring to the map, she noted that two colors are used to show where vacant and underutilized sites are located. The gray properties are off Mt. Diablo Boulevard were calculated at densities using the assumption that they would be all-housing projects. The projects along Mt. Diablo Boulevard and the project on Moraga Road were viewed as being mixed-use projects. When the constraints analysis was done for each site, they calculated the numbers based on retail and commercial uses on the ground floor for Mt. Diablo properties, with housing above. When the strategy comes out and zoning implementation is done they have to be sure that the language is crafted so that housing is allowed by right, but there are certain zones where housing is encouraged on upper floors. Those details are being worked out, but it is possible to do so. She then added that any housing application coming in will still go through the design review process and environmental analysis.

Ms. Elrod directed all to Page 4, 2) the development of a senior housing overlay zone. The purpose of this is a modification is to create an overlay zone in areas where multi-family housing would be allowed that permit higher densities for senior housing and reduced parking requirements. From prior project experience, the current zoning is not flexible enough to allow for this type of development without some modifications.

Chair Lovitt added that they were mandatory waivers and concessions.

Ms. Elrod confirmed that this happened because of a density bonus. She added that the way it is being envisioned now is a way to circumvent a need to enact a density bonus on all projects like this. She said that it sets up a list of things that the city might not want to do on a project and this would obviate the need to focus on the density bonus to provide that housing.

Ms. Elrod then stated that the third item is consideration of a large unit requirement in certain developments. This is to encourage the development of units with more than 2 bedrooms for larger family households. This is a program to consider different ways to facilitate it. She wanted to note that some actions have to be completed within one year of the housing plan's implementation to ensure that there is enough during the planning period that development can take place under these new rules. She stated that both she and Ms. Srivatsa met with people from the State Department of Housing and Community Development, including the Senior Reviewer Paul McDougal. They toured Lafayette and explained the current housing situation, struggles with the downtown plans, etc. She was very pleased with the review. The State representatives

were happy with the downtown strategy and the mixed use development ideas and were supportive of the plans.

Ms. Elrod went on to explain the regional housing need allocation process. The State is required to allocate housing needs to various regional governments throughout the State. In Lafayette's case the regional government is ABAG. Then ABAG allocates the units to the jurisdictions. She directed all to a table in the report listing income categories. She explained that the regional need housing allocation for the City is 361units over the planning period of 2007 to 2014. This means that the city needs enough land to accommodate 361 units. The units may not be built, but it is a way to ensure that a developer has an opportunity to build those units. In 2008 an inventory was done on the vacant and underutilized parcels in the downtown area. This was done to determine if adequate sites could be found in just the downtown area for all income categories. In the analysis, which was provided in the information given to the Commission, they do feel that there is enough land in the downtown to be counted to meet the regional housing needs allocation. This includes both housing that is not yet planned, as well as housing that is planned. She directed all to Page 6, which shows what the inventory is at this time. Extremely low income and very low income formulas were determined with merely a mathematical function. The State requires a maximum density of 22 units to an acre in our area and that requirement is met in Lafayette as all sites that were looked at are zoned for 35 du/acre.

Chair Lovitt asked why no addresses are given on the reports.

Ms. Elrod stated that the State requires APNs. Addresses are not typically included.

Chair Lovitt asked if a column could be added to the table and then removed later on.

Ms. Srivatsa said that it was not required by the State and that it is also a sensitive issue. The purpose of the table is just to show potential of dwelling units. In looking at the table, the calculation of potential is not just a mathematical function, as every parcel was analyzed for its constraints, both topographical constraints and locational constraints and then a realistic potential capacity was calculated. They identified distances to services, such as BART and the grocery store. There are a number of sites that would require the assemblage of two or more parcels. There is a track record of this happening in the past, so it is possible.

Ms. Elrod said that a letter from Mr. Bruzzone was received about the housing elements. He wrote about the barriers that hamper Lafayette's ability to provide for housing needs. In response, she stated that as part of the analysis there is a very extensive chapter on constraints to the development of housing. This will be seen in February when the entire document is brought to the Commission.

Chair Lovitt asked all to look through the pages and ask questions.

Commission Chastain said that on Page 3, Policy H 1.5 he would like to know what relationship the green building program has with current efforts by the environmental strategy task force.

Ms. Srivatsa said this is something that the Environmental Task Force will implement and confirmed that is something that will be worked on and brought back.

Commissioner Mitchell asked how the downtown strategy will be integrated.

Ms. Srivatsa said that the housing development as it stands does not recommend any changes to the maximum allowable density or height. If the strategy proposes greater heights or more density, the housing element can be amended. She did not think that an increase of numbers would be a problem.

Chair Lovitt continued to go through the pages, with no questions asked on 4 or 5. He said that he assumed that second dwelling units would still not count for anything.

Ms. Elrod said that they can be counted, but they were not included in the analysis. They can be added if they can be considered affordable by either deed restrictions, or if there is a survey of rents. It could be done going forward based on previous history of the average of the number of applications that come in every year. They were not included intentionally.

Ms. Srivatsa said that this is a change from some feedback received previously. They were told that second units can be counted if an informal survey of the going rents is done. But, she added, we must be consistent with our track record.

Chair Lovitt went through pages 7 through 10 and there were no questions.

Commissioner Mitchell asked for additional comment on the last item on Page 11 referring to the three bedroom units.

Ms. Elrod said that more than this did not need to be done to comply with housing element law. They are putting it in with the intent of studying it.

On Page 12, Commissioner Mitchell asked for more information on the emergency shelter piece.

Ms. Elrod said this was from the previous element but some information was added. A law was passed that jurisdictions have to make sure that there are zone(s) available where an emergency shelter can be built as of right somewhere in the city. The State law is inconsistent with the approach that all services providers are now adopting, which is Housing First. The State understands this is in conflict with what the State law requires, but all jurisdictions have to do this. There is no intention anywhere in the County to create a new homeless shelter. It is simply to comply with State law. No money would go to this.

Commissioner Mitchell asked if this had any effect on churches who want to house people for a week at a time.

Ms. Elrod said it did not.

Chair Lovitt went over pages 13 and 14. There were no questions. On Page 15, on H513 d) deleting the floor area ratio for residential use in the MRO district – he wondered why.

Ms. Srivatsa stated that it was from the existing housing element. She said this was the only district that had a FAR. So this change was just to be consistent.

Chair Lovitt asked if it could be said that the FAR has not worked and was unuseful.

Commissioner Ateljevich said that the FAR has had some utility in that it has provided attractive situations.

Chair Lovitt asked that a note be made and that Ms. Srivatsa make some notes on it to come back later. No questions were asked on rest of the pages.

Commissioner Mitchell said that he had a question on Page 4 of the staff report. In the last sentence it mentions voluntary transfer of units between jurisdictions and sub regions. He wondered if the city has thought of that.

Ms. Elrod said that the only problem with that is the jurisdictions have to be contiguous and our contiguous jurisdictions are not much cheaper. Also, there are many requirements that have to be fulfilled prior to a transfer taking place and most jurisdictions cannot meet the requirements. Some jurisdictions have used ABAG to help distribute units collectively. But it is a very cumbersome process and does not produce much.

Chair Lovitt asked if there were any other questions for staff. There were none, so the floor was opened for public comment.

Dave Bruzzone introduced himself. He said that he would be interested in knowing specifically which programs are mandated by the State and how that is determined. He stated that the inclusionary housing would be controversial and that it will change the feeling of the City if people are forced to have housing downtown. On secondary units he wanted to know exactly why those do not comply. He stated that as he does not understand this, the vast majority of the people would not, either. He said that he would like clarification.

Chair Lovitt asked if there were other speakers. When there were not he asked for a motion to close the public portion on this topic. Commissioner Mitchell gave the motion. It was seconded by Commissioner Curtin-Tinley and then was carried by unanimous consent. (6-0-0) Chair Lovitt then stated that he thought the report was well done and complete and that there were not many questions on it.

City of Lafayette
Planning Commission Meeting
DRAFT MINUTES

Thursday, February 19, 2009, 7:00 pm
Lafayette Community Center, 500 St. Mary's Road, Manzanita Room

ROLL CALL
Present: Chair Lovitt, Commissioners Ateljevich, Chastain, Humann, Maggio and Mitchell
Absent (Excused): Commissioner Curtin-Tinley
Staff Present: Glenda Warmoth, Niroop Srivatsa, and Ann Meredith, Diana Elrod, Housing Consultant

CONTINUED PUBLIC HEARINGS

GP01-09: AMENDMENTS TO THE HOUSING CHAPTER OF THE LAFAYETTE GENERAL PLAN (HOUSING ELEMENT) TO ACCOMMODATE THE REGIONAL HOUSING NEEDS ALLOCATION ESTABLISHED BY THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

Chair Lovitt asked if there was a staff report.

Ms. Elrod stated that key elements of the housing element, such as the inventory of adequate sites and the proposed goals, policies and programs, had already been seen previously. She explained that she wanted to go over the remainder and make some comments. Beginning with the first part of the housing element, which provides a detailed analysis of housing needs, she noted that the homeless issues area is new, as are the updated housing costs and affordability data and demographics. She noted that beginning with Page 23 and forward there may be some information that is slightly out of date, given the current economic condition. More updates will be done at a later date, but she would like to see the housing element go forward to the State for their review and comment with what is currently in the report. There is information on the Regional Housing Need Allocation and how that number was developed. Beginning on Page 34 is a detailed analysis of the governmental constraints to housing development. Further on is an analysis of non-governmental constraints, including financing availability, development costs and land costs. On Page 50 there is information on energy conservation, as well as climate change and sustainability. Additional information was given on conservation in detail than was required as the city has a great focus on that. In the first appendix is a review of the previous housing element, which is required by the State to express what was intended and what the city actually did. Ms. Elrod stated that a recommendation was made by the Commission in the study session that language should be added that along Mt. Diablo Blvd. in the downtown area, housing should be encouraged on upper floors, with retail on the ground floor.

Ms. Srivatsa said that such language can be found on Page 57 under amended Program H 2.1.2. Referring to earlier in the document, she said that the inventory of housing sites does take into consideration all projects fronting Mt. Diablo and Moraga Road as mixed-use projects with retail on the ground floor. The projects in the back are considered all-housing projects. She added that after the strategy is adopted, the zoning ordinance update will be done and that would be the correct time to make change to the code. Ms. Srivatsa continued, saying that Chair Lovitt had asked about the floor area ratio requirement in the MRA district and the need for its removal. She

looked at the applications received in the last ten years and noted that of the four applications in the MRA district, three had requested an increase to the allowable maximum floor area ratio (FAR). She noted that Program H-5.1.3 states that amending the zoning ordinance should be considered and then lists what should be reviewed in the future. The housing element does not say that the FAR in the MRA district has to be deleted, but asks for its consideration. Directing all to Page 61, Program H 3.4.1, the density bonus regulations, she noted that there is some information missing currently. She said the program should read, "Consistent with State density bonus law, support developments that provide affordable housing and/or senior housing, utilizing density bonuses when affordability is provided above and beyond what is required by redevelopment law." She said that they want to make sure that projects providing the 15% as required by redevelopment law do not get credit for the first 15% of affordable units. She continued, "Provide concessions and waivers as required by law."

Chair Lovitt asked if the commissioners had any questions.

Commissioner Ateljevich said that she would like to know more about the properties listed in the appendix inventory, as to where they are and what they consist of.

Ms. Srivatsa reviewed the list, and clarified that there is no requirement that housing be built on these sites.
Chair Lovitt asked if there were questions.

Commission Mitchell stated that he understood the density bonus for senior housing was 35%. He was not sure how that worked with low income.

Ms. Elrod stated that it is higher for very low income. The maximum that you can be given for senior housing is 35%, but Eden's density bonus is more than that. It is calculated with a formula that depends on the number of units and type of affordability.

Chair Lovitt asked for the HCD reporting period during which Lafayette's allocation is 361 units.

Ms. Elrod answered that the period is 2007 to 2014.

Chair Lovitt opened the floor for public comment.

Mr. Gabriel Froymovich stated that would like to speak. He gave his address as 3546 Wildwood Lane. He said that he was there to represent the Lafayette Taxpayers Association. He stated that he is not sure that his comments will speak for all in the Association, as many have not seen this document for the housing element. He stated that this should not be rushed to approval as it looks like there is a great deal of central planning that this the document would mandate in some of the future goals. He noted as an example the inclusionary housing ordinance in the goals for 2010. He asked if this would be on top of State regulations.

Ms. Elrod stated that it would.

Mr. Froymovich said that in discussions with the City Council and members of the community he has noted that many people express that there is enough being mandated by the State and that this is taking away from developers and the City Council. If another mandatory ordinance of this sort is passed, he continued, it is going to make life more difficult, especially in a time of so many budget constraints. He noted that there are many things that would plan what residential development should look like for the developer, which would take away their choice, and in turn

could obstruct growth in the city. He stated that he trusted that the Commission knew a lot about this, but that he found it surprising and felt that members of the community would find it that way, as well.

Chair Lovitt asked if there were questions from the speaker or comments from the staff.

Ms. Srivatsa spoke, stating that the inclusionary housing ordinance was a part of the old housing element and is currently being drafting at the direction of the City Council. She said it is a policy matter and that as of now the direction they have received is to proceed with its drafting.

Chair Lovitt asked what the process was for the housing element after the Commission meeting.

Ms. Elrod stated that after the Commission meeting, it would be taken to the City Council on March 9. A preliminary approval would be required to submit it to the State. The administrative draft has to go to the State for a mandated 60-day review, which will be during March and April. It will come back with changes that the State requires and then the Commission and the City Council would have an opportunity to review it again before it is adopted, which would be by the end of June.

Chair Lovitt stated that he encouraged Mr. Froymovich to follow it through the City Council meetings.

Mr. Froymovich asked if there are many parts of the document that are just formalization of the old draft plan.

Ms. Srivatsa confirmed that several parts were and that she has a table that she could provide him, listing the old policies and programs and the changes, or lack thereof.

Mr. Wilson introduced himself as before. He stated that he was curious about what happens to existing businesses on these sites in the seven-year plan.

Mr. Lovitt stated that there is no requirement to build housing only on these sites; it is all under the assumption that everything changes and as these changes occur, these are potential sites that are being considered.

Ms. Elrod said that the State law requires jurisdictions to show that they have the capacity for development if someone wants to do it. The land will not necessarily be developed. It is merely to say that there are opportunities.

Chair Lovitt asked for any additional speakers. When no one spoke, he asked for a motion to close the public portion. This motion was given by Commissioner Chastain. Commissioner Humann seconded the motion, which was carried by unanimous consent. (6-0-0) Chair Lovitt then stated that the task was to recommend approval to the Council to send the administrative draft to the State Department of Housing and Community Development so that they can look it over, return it, and then it can be rewritten as requested. Chair Lovitt then asked if there were many changes when this document had last been sent for approval.

Ms. Srivatsa said that during the last round, a recommendation had been made by HCD to add one program to meet the needs of the disabled, and that was done.

Chair Lovitt asked if anyone wanted to discuss the draft.

Commissioner Maggio said that she found the age structure and interpretation of it fascinating. She noted that there was a mention in the report about the low population in the young 20s and it was stated that it was probably due to cost. She said that she thought that could be correct, but that it is also the population that goes away to college and that could be why it is low in number as well. In looking at the report she said that between 45 and 54 years, were almost at 19% and then the next age bracket of 55 to 59 years, there is a huge decrease to only 6.7%. She is concerned because that age bracket has a lot of money. She wonders why they are leaving town.

Ms. Elrod stated that this is the population as it ages. She said that they would have to go back to see prior reports to track that group over time. It may not mean that they are leaving, but it is possible. She stated that the State will provide projections on what it will be in the next ten years.

Commissioner Maggio noted that the numbers were from 2000. She said that it will be interesting to see if all of the work that has been done in the city has made a difference in that shift.

Commissioner Mitchell pointed out there is a huge bulge of population between 35 and 54 years and then the ages on either side are pretty even.

Chair Lovitt asked if there were additional comments.

Commissioner Mitchell said that he recommended approval of the draft housing element as revised to the City Council. Commissioner Maggio seconded the motion, which was carried by unanimous consent. (6-0-0)